

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1761

In re

Patent Application of

Robert Lawrence Prosise, et al.

Application No. 09/828,015

Confirmation No.: 6391

Filed: April 6, 2001

Examiner: Pratt, Helen F.

**"NUTRITIONALLY BALANCED SNACK
FOOD COMPOSITIONS"**

I, Cheryl Ludwig, hereby certify that this correspondence is being transmitted by facsimile to 703-872-9706 to Helen F. Pratt, Crystal Plaza 3, Bldg. SB36, 2021 South Clark Place, Arlington, VA 22202-3615, on the date of my signature.


Signature

9/30/03
Date of Signature

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(c)

Attn: Examiner Pratt
Crystal Plaza 3
Building SB36
2021 South Clark Place
Arlington, VA 22202-3615

Madam:

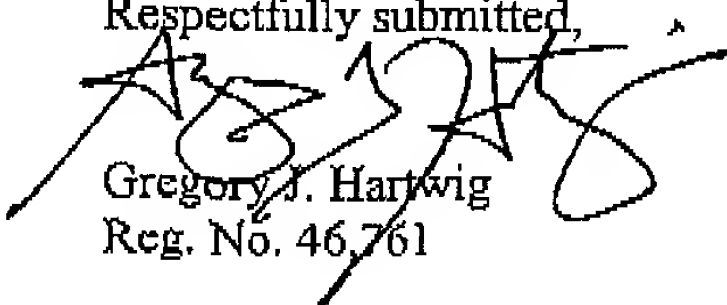
The Examiner's attention is directed to the references, which are listed on the attached Form PTO/SB/08A and/or PTO/SB/08B, copies of some of which are attached. Please charge Deposit Account No. 13-3080 for the \$180.00 fee required under 37 CFR §1.17(p).

Consistent with the undersigned's telephone conversation with the Examiner on September 24, 2003, copies of the references have not been provided. Again, copies of the references can be found in Application No. 09/827,802 filed on April 6, 2001. The Examiner has already reviewed these references in conjunction with Application No. 09/827,802, and indicated that she will place copies in the present application's file.

The Examiner's attention is also directed to co-pending Application No. 09/827,834 filed on April 6, 2001, which is commonly assigned to the assignee of the present application.

Citation of these references is respectfully requested. No concession is made that these documents are prior art, and Applicant expressly reserves the right to antedate the documents as may be appropriate.

Respectfully submitted,


Gregory J. Hartwig
Reg. No. 46,761

File No. 066544-9009-00
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PTO/SB/08B

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	09/828,015	
			Filing Date	April 6, 2001	
			First Named Inventor	Robert Lawrence Prosise	
			Group Art Unit	1761	
			Examiner Name	Pratt, Helen F.	
Sheet	1	of	1	Attorney Docket Number	066544-9009-00

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials		Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue numbers(s), publisher, city and/or country where published.
BB		BACKER, T., Multifunktioneller FullstoffEine Weizenfaser Schafft Neue Moglichkeiten, Lebensmitteltechink, 1996, pgs. 58-59, Vol. 28, No. 5 Hamburg, Germany.
		AKOH, C. C., Fat Replacers A Publication of The Institute of Food Technologists Expert Panel on Food Safety and Nutrition, March 1, 1998, pages 47-53, Vol., 52 No. 3, Institute of Food Technologists, Chicago.
		BOLLINGER, H., Wheat Fibre - A New Generation of Dietary Fibres, September 1, 1996, pgs. 34, 36, 38, Vol. 3, No. 3, Food Tech Europe.
		BRAATEN, J., et al., High Beta-Glucan Oat Bran and Oat Gum Reduce Postprandial Blood Glucose and Insulin in Subject with and without Type 2 Diabetes, 1994, pgs. 312-318, Vol. 11, Diabetic Medicine, John Wiley & Sons, Ltd.
		GERSHOFF, S. N., Nutrition Evaluation of Dietary Fat Substitutes, Nutrition Reviews, pgs. 305-313, Vol. 53, No. 11, Nutrition Review Nov. 1995 Tufts University School of Nutr. Science and Policy, Medford, MA.
		GIESE, J., Olestra: Properties, Regulatory Concerns and Applications, March 1996, pgs. 130-131, Vol. 50, No. 3, Food Technology, Institute of Food Technologists, Chicago, IL.
		TAPPY, L., et al., Effects of Breakfast Cereals Containing Various Amounts of Beta-Glucan Fibers on Plasma Glucose and Insulin Response in NIDDM Subjects, August 1996, pgs. 831-834, Vol. 19, No. 8, Diabetes Care, American Diabetes Association, Alexandria, VA.
		YOKOYAMA, W.H., et al., Raw and Processed Oat Ingredients Lower Plasma Cholesterol in Hamster, 1998, pgs. 713-715, Vol. 63, No. 4., Journal of Food Science.
✓		FDA, Food Labeling: Health Claims, Oats and CHD; Abst. No. 1997:78131; Fed. Register 62(15) 3584-3601; 23 Jan 1997.

Examiner Signature	Helen Pratt	Date Considered	9-30-03
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute of form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	09/828,015
				Filing Date	April 6, 2001
				First Name Inventor	Robert Lawrence Prosisie
				Group Art Unit	1761
				Examiner Name	Pratt, Helen F.
Sheet	1	of	1	Attorney Docket Number	066544-9009-00

U.S. PATENT DOCUMENTS				
Examiner Initials		U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document
JP		5061508	Schur	10/29/1991
		5051270	Narichika et al.	9/24/1991
		5262190	Cunningham et al.	11/16/1993
		5490999	Villagran et al.	2/13/1996
		4832971	Michnowski	5/23/1989
		4789664	Seligson et al.	12/6/1988
		4005195	Jandacek	1/25/1977

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Country Code	Foreign Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Translation	English Abstract
JP	EP	0 434 025	Jacobs Suchard AG	6/26/1991		X
	EP	0 588 600	Kernels Foods Plc	3/23/1994		
	WO	98/13056	Industrial Research Limited	4/2/1998		
	WO	99/08546	Barkley Seed Inc.	2/25/1999		
	GB	2178637 A	D & S (Food Products) Limited	6/22/1985		

Examiner Signature	Helen Pratt	Date Considered	9-30-03
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